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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/395,179	09/14/1999	KENICHI FUNAMOTO	P7459-9002	5562

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EXAMINER

LAVILLA, MICHAEL E

ART UNIT


PAPER NUMBER

1775

DATE MAILED: 02/06/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

MF-10

<b>Office Action Summary</b>	Application No. <b>09/395,179</b>	Applicant(s) <b>FUNAMOTO ET AL.</b>	
	Examiner <b>LAVILLA</b>	Art Unit <b>1775</b>	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) ☒ Responsive to communication(s) filed on Sep 27, 2001

2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

**Disposition of Claims**

4) ☒ Claim(s) 1-24 is/are pending in the application.

4a) Of the above, claim(s) 1-12 is/are withdrawn from consideration.

5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.

6) ☒ Claim(s) 13-24 is/are rejected.

7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.

8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.

12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. § 119**

13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) ☒ All b) ☐ Some\* c) ☐ None of:

1. ☒ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

**Attachment(s)**

15) ☒ Notice of References Cited (PTO-892)

18) ☒ Interview Summary (PTO-413) Paper No(s). 2-4,6

16) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)

19) ☐ Notice of Informal Patent Application (PTO-152)

17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_

20) ☐ Other:

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## DETAILED ACTION

### *Election/Restriction*

1. Claims 1-12 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 8.

The requirement is still deemed proper and is therefore made FINAL.

### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 13-24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

I. Regarding claims 13 and 19, it is unclear what is meant by the phrase “nickel-based metal mainly comprising nickel.” Does the word metal refer to a “metal alloy” or to a metal element of the Group VIIIA, such as Ni, Pd, or Pt?

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***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 13-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Slattery USP 4,737,418. Slattery discloses a nickel/iron lid substrate coated with a nickel clad that is clad by roll working. This nickel clad nickel/iron substrate is subsequently coated with nickel to form a dogbone structure. The dogbone structured laminate is further coated with a gold layer and affixed to a 80/20 Au/Sn solder material of melting temperature of about 280°C (see col. 3, line 64 of Bryzek et al. USP 6,229,190) so that the lid may form a lid of a ceramic housing of a semiconductor component (see col. 3, lines 25-42; col. 4, lines 10-68; and claims in Slattery). Slattery teaches that the nickel clad may be of thickness 200 to 350 microinches and that the electroplate may be between 75 and 300 microinches, but does not disclose the claimed thickness to thinness ratio. It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the thinner cladding layers and thicker electroplating layers as Slattery teaches that all layers in the claimed respective ranges form effective laminates. In this circumstance it would be expected that the clad layer would have diffused to the extent claimed in view of the necessary heating that would occur upon rolling and working of the cladding and substrate. Moreover, identifying the nickel clad and electroplate of Slattery as applicant's claimed

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nickel-based metal layer, the claimed thickness ratio would be expected to be achieved. The thinner portions of the metal layer are approximately 200 microinches and thicker portions would be 200 microinches plus the dogbone electroplate portion which may upwards of 300 microinches. Slattery may not exemplify using the lids of Slattery to seal a component casing, but Slattery does teach the applicability of the lids of Slattery for this purpose. It would have been obvious to one of ordinary skill in the art at the time of the invention to utilize these lids of Slattery for the purpose of sealing component cases as claimed as Slattery teaches that the lids are useful and effective for this purpose.

*Conclusion*

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael LaVilla, who can generally be reached at telephone number (703) 308-4428 on Mondays and Tuesdays from 8:30 a.m. to 5:00 p.m., Eastern Standard Time. Facsimile communications may be sent to (703) 872-9310.

Michael LaVilla

November 27, 2001

